

No. 9/5/84-6 Lab/6394.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of Haryana Roadways, Bhiwani.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK,

Reference No. 192 of 1982.

Between

SHRI RATTAN PAL SINGH, WORKMAN AND THE MANAGEMENT OF HARYANA ROADWAYS, BHIWANI

Present

Workman in person.
Shri Vijay Vir Singh, L. A. for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, to this Court, between Shri Rattan Pal Singh, workman, and the management of Haryana Roadways, Bhiwani, for adjudication,—vide Labour Department Notification No. ID/HSR/50/82/45009, dated 30th September, 1982 :—

Whether the termination of services of Shri Rattan Pal Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared before the workman could file claim statement, the parties arrived at a settlement, where under the workman was reinstated by the respondent about three years ago and as such he had made a statement that he does not want to prosecute the reference any further. So no dispute award is given. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 16th August, 1984.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

Endst. No. 192-82/2916, dated the 7th September, 1984

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

No. 9/5/84-6 Lab/6395.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of Executive Engineer, Electrical, P.W.D. (B&R), Hansi Road, Bhiwani.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 31 of 1981

Between

SHRI DHARE RAM, WORKMAN AND THE MANAGEMENT OF EXECUTIVE ENGINEER, ELECTRICAL, P.W.D. (B & R), HANSI ROAD, BHIWANI

Present

Shri S.S. Gupta, A.R. for the workman.
Shri Kalu Ram, S.D.O. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, to this Court, between Shri Dhare Ram workman and the management of Executive Engineer Electrical, P.W.D. (B&R), Hansi Road, Bhiwani, for adjudication,—vide Labour Department Notification No. ID/HSR/78-80/7931, dated 13th February, 1981:—

Whether the termination of services of Shri Dhare Ram, was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed as a driver with the respondent since 1974 and that his services were terminated illegally on 19th July 1980 without any enquiry and in flagrant disregard of the provisions of the Industrial Disputes Act, 1947. A detailed reply was filed by the respondent. The pleas taken by him need not be stated here, as the learned Authorised Representative of the workman Shri S.S. Gupta, stated that inspite of his best efforts, he has not been able to contact the workman and as such the workman does not seem to be interested in prosecution of the reference. So no dispute award is given. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 16th August, 1984.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 31-81/2917, dated 7th September, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

The 24th September, 1984

No. 9/5/84-6 Lab/6410.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Sat Narain Ram Chander & Co. Shop No. 91, Commission Agents, New Mandi, Sirsa.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 105 of 1982

Between

SHRI TARA CHAND SHARMA, WORKMAN AND THE MANAGEMENT OF M/S. SAT NARAIN
RAM CHANDER & CO. SHOP NO. 91, COMMISSION AGENTS, NEW MANDI, SIRSA.

Present :—

Shri Hardev Singh, Advocate for the workman.
Shri S. S. Goel, Advocate, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, to this Court, between the workman and the management of M/s. Sat Narain Ram Chander & Co. Shop No. 91, Commission Agents, New Mandi, Sirsa, for adjudication,—vide Labour Department Notification No. ID/HSR/34/82/24737, dated 1st June, 1982:—

Whether the termination of service of Shri Tara Chand Sharma was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was appointed as Munim by the respondent in the year 1965 on a monthly salary of

Rs. 350 and that because of ill health he remained on medical leave and the expenses of treatment were met by the respondent and that during the last five years the management has been making illegal deduction from his salary, about which he has filed a separate action before the Appropriate Authority under the payment of Wages Act and that his services have since been terminated w.e.f. 31st January, 1982 after giving a complete go-bye to the principles of natural justice and in violation of the provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent. I need not discuss the pleas taken by him, because the learned advocate of the workman made a statement in the Court today that he has no instruction to appear and further more he has not been able to contact the workman inspite of his best efforts. So, I find that the workman is not interested in the prosecution of the reference and as such no dispute award is given. The reference is answered and returned accordingly, with no order as to cost.

Dated the 21st August, 1984.

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 105-82/2921, dated the 7th September, 1984.

Forwarded (four copies, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

(Sd.) B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6 Lab/6411.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s H. R. Bhalla & Sons (P) Ltd., Bahadurgarh.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 52 of 1984

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S H.R. BHALLA & SONS (P) LTD.,
BAHADURGARH

Present :

Shri K. D. Mandal, A. R. for the workman.

Shri M.M. Kaushal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, to this Court, between the workman and the management of M/s H.R. Bhalla and Sons (P) Ltd., Bahadurgarh, for adjudication, —vide Labour Department notification No. 14217-22, dated 5th April, 1984 :—

Whether the termination of services of Shri Om Parkash was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed as Shaperman with the management about one year ago on monthly salary of Rs. 405 but his services were illegally terminated on 16th December, 1983 without complying with the provisions of section 25(F) of the Industrial Disputes Act, 1947.

3. Before the respondent could file reply, the parties arrived at an amicable settlement, where under the workman was paid a sum of Rs. 517.06 in full and final settlement of his claim. The receipt evidencing payment of this amount to the workman has been placed on the file. So no dispute survives for adjudication and as such no dispute award is given. The reference is answered and returned accordingly. There is no order as to cost.

Dated : the 21st August, 1984.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 52-84/2923, dated 7th September, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9 5/84-6Lab/6412.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of Executive Engineer, Drainage Mechanical Division, Housing Board Colony, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 178 of 1980

between

SHRI KARAMBIR SINGH WORKMAN, AND THE MANAGEMENT OF EXECUTIVE ENGINEER,
DRAINAGE MECHANICAL DIVISION, HOUSING BOARD COLONY, ROHTAK

Present —

Shri S. N. Vats, A. R. for the workman.

Shri K. L. Madan, L.A. for the management.

AWARD

1. An Industrial Dispute regarding the matter as set out below having come into existence between the workman and the management of Executive Engineer, Drainage Mechanical Division, Housing Board Colony, Rohtak, the Governor of Haryana has referred the same to the Labour Court, Rohtak for adjudication under section 10(1)(c) of the Industrial Disputes Act, 1947.— vide Labour Department Notification No. 1D/RTK/33-80/38875, dated 24th July, 1980 :—

Whether the termination of services of Shri Karambir Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed by the respondent about more than one year ago but his services were terminated without any notice or chargesheet on 15th September, 1979. He further alleged that he was not paid any compensation as envisaged under section 25(F) of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent, in which it was alleged that the reference is bad for non-joinder and misjoinder of appropriate parties, as the Executive Engineer Mechanical Drainage Division, Rohtak is not a juristic and further more, the respondent is not an "Industry" as defined in section 2(J) of the Industrial Disputes Act, 1947. Other pleas projected were that the petitioner is stopped from filing the present reference by his acts and conducts and the workman was employed because of seasonal work and since the rains failed in the year 1979, so to work remained to be done. On merit, it is alleged that the workman was employed as a T-Mate on 21st May, 1970 on purely temporary basis and he absented from duty on 15th September, 1979 and as such he was deemed to have been terminated from service from that date. In the replication filed on behalf of the workman, various pleas projected on behalf of the respondent were controverted.

4. On the pleadings of the parties, following issues were laid down for decision on 3rd March, 1981 :—

- (1) whether the reference is bad in law for non-joinder and mis-joinder of the proper party;
- (2) whether the P.W.D. Drainage Division is an Industry and there exists an Industrial Dispute?
- (3) whether the workman remained willfully absent and as such, he is estopped to raise the demand, leading to the dispute?
- (4) whether the workman is represented by the competent authority?

(5) whether the termination of services of Shri Karambir Singh was justified and in order? If not to what relief is he entitled?

5. The management examined MW-1 Shri K. N. Sharma, S.D.O., MW-2 Shri Chand Ram Malik another S.D.O. The workman appeared as his own witness as WW-1.

6. My findings on the issues framed are as below :-

Issues No. 1, 3 to 5 :

7. The learned Authorised Representative for the workman Shri S.N. Vats has made a statement that he does not press the decision of these issues. So issues No. 1, 3 and 5 are answered against the respondent and issue No. 4 in favour of the workman.

Issue No. 2 :

8. On this issue, the learned counsel for the respondent cited a full bench authority of the Hon'ble High Court of Punjab and Haryana rendered in Civil Writ Petition No. 3746 of 1984 titled *Om Parkash versus management of Executive Engineer, SYL Division No. 7, Canal Colony, Kurukshetra*. In this authority their Lordships went in to the ratio of the law laid down in Civil Writ Petition No. 1491 of 1983 decided on 12th May, 1983 and held that the law laid down in the said authority was no more good law and fully endorsed the law laid down in the full bench authority rendered in 1983 (I) SLR 710 in which it was held that the Irrigation Department cannot be held to be an "Industry" as envisaged under section 2(J) of the said Act. The decision of the full bench authority has got a binding precedent upon this Court and as such the contrary contentions raised on behalf of the workman cannot be accepted. So, I find that the respondent is not an "Industry" as defined in section 2(J) of the said Act and as such this issue goes against the workman.

9. In view of my finding on issue No. 2, this reference is bad in law, because the respondent is not an "Industry" as contemplated under section 2(J) of the Industrial Disputes Act. So, this reference is answered and returned accordingly. There is no order as to cost.

Dated : the 21st August, 1984.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endorsement. No. 178-80/2924, dated 7th September, 1984

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1977.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6 Lab/6413.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Somany Pilkingtons Limited, Kassar, Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 132 of 83

between

SHRI GOPAL KRISHAN SHARMA, WORKMAN, AND THE MANAGEMENT OF M/S.
SOMANY PILKINGTONS LTD., KASSAR BAHADURGARH

Present:—

Shri Dhan Singh A.R., for the workman.

Shri Sudhir Chadha A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following disputes, to this Court, between the workman

and the management of M/s. Somany Pilkingtons Ltd., Kassar, Bahadurgarh, for adjudication,—vide Labour Department, Notification No. 45414—19, dated 5th September, 1983:—

Whether the termination of service of Shri Gopal Krishan Sharma was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared before any Claim Statement could be filed by the workman, he settled his claim with the management. In that behalf the workman has placed on record document mark "X", incorporating the terms of settlement, where under the workman has been paid a sum of Rs. 11,950/- in full and final settlement for his claim. So, no dispute survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 23rd August, 1984.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 132—83/2929, dated 7th September, 1984.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6 Lab/6414. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of the Haryana Roadways, Jind.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 137 of 1982.

between

SHRI MANGE RAM, WORKMAN AND THE MANAGEMENT OF THE HARYANA ROADWAYS,
JIND

Present:—

Shri Tejinder Singh A.R., for the workman.
Shri Mohan Dass, L.A., for the management.

AWARD

1. An Industrial Dispute reproduced below having arisen between the workman and the Management of M/s. Haryana Roadways, Jind, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the same to this Court, for adjudication,—vide Labour Department Notification No. ID/HSR/47/82/33978, dated 21st July, 1982:

Whether the termination of services of Shri Mange Ram was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was appointed as a conductor with the respondent about 10 years ago but his services were terminated unlawfully on 19th November, 1981 without payment of any compensation as envisaged under section 25(F) of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent controverting the various allegations made by the workman. Before the issues could be framed, the parties arrived at an amicable settlement, where under the workman has been reinstated by the management with continuity of service but without back wages. This settlement has been accepted by the learned Authorised Representative of the workman, who has made a statement in the Court today. This reference is answered and returned accordingly. There is no order as to cost.

Dated the 24th August, 1984.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 137—82/2931, dated 7th September, 1984.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.